



Public Information Office  
**United States Courts for the Ninth Circuit**  
Office of the Circuit Executive · 95 7<sup>th</sup> Street, San Francisco, CA 94103 · (415) 355-8800 · (415) 355-8901 Fax

**NEWS RELEASE**

September 16, 2010

Contact: David J. Madden (415) 355-8930

## **Ninth Circuit Court of Appeals to Offer Remote Viewing of *En Banc* Proceedings**

**SAN FRANCISCO** – The United States Court of Appeals for the Ninth Circuit will provide for remote viewing of *en banc* court proceedings scheduled for September 21-23, 2010, in Courtroom One of the James R. Browning U.S. Courthouse, 95 7<sup>th</sup> St., San Francisco.

*En banc* courts, which consist of 11 judges rather than the normal three-judge appellate panel, are used to resolve intra-circuit case conflicts and legal questions deemed by the court to be of exceptional importance. Less than 20 cases per year typically receive *en banc* review.

The four cases to be heard in San Francisco include an appeal of a district court's dismissal of a class action complaint over the environmental, health and social impacts of past mining on an island in Papua New Guinea; whether a Washington state law denying convicted felons the right to vote while imprisoned discriminates against racial minorities in violation of the Voting Rights Act; an appeal of a district court's dismissal of a seminarian's claim for additional compensation under state and federal wage laws; and whether a convicted murderer in Nevada would be denied his rights under the Fifth Amendment's double jeopardy clause by retrial of the penalty phase of his capital case. Additional case information and hearing dates and times are provided below.

A live video and audio feed from the proceedings at the San Francisco courthouse will be delivered via electronically secure means to the following Ninth Circuit courthouses:

**Richard H. Chambers  
U.S. Courthouse  
125 South Grand Ave.  
Pasadena, California.  
Courtroom Three, 1<sup>st</sup> Floor**

**U.S. Pioneer Courthouse  
700 SW Sixth Avenue  
Portland, Oregon  
Pioneer Courtroom**

**William K. Nakamura  
U.S. Courthouse  
1010 Fifth Avenue  
Seattle, Washington  
Courtroom One, 8<sup>th</sup> Floor**

Public access to the remote viewing locations will be on a first-come-first-served basis. No photographs or recording/transmission of the audio and video displayed at the remote viewing locations will be allowed. Proper decorum is expected.

**NINTH CIRCUIT *EN BANC* COURTS**  
**SAN FRANCISCO, CALIFORNIA**  
**September 21-23, 2010**

**September 21            10:00 a.m.**

*Sarei v. Rio Tinto, 02-56256, 02-56390*

Current and former residents of the island of Bougainville in Papua New Guinea appeal the dismissal of their class action complaint under the Alien Tort Claims Act against Rio Tinto PLC. The complaint alleges the company's mining operations destroyed the island's environment, harmed the health of its people, and incited a 10-year civil war. The class also alleged that Rio was guilty of war crimes, crimes against humanity, and racial and environmental harm in violation of international law.

**September 21            2:00 p.m.**

*Farrakhan v. Gregoire, 06-35669*

A number of Washington state residents, who are minorities and who have been convicted of felonies, appeal from the district court's summary judgment entered in favor of prison officials in their action under the Voting Rights Act, alleging that Washington's felon disenfranchisement scheme results in the denial of the right to vote to racial minorities.

**September 22            10:00 a.m.**

*Rosas v. Catholic Archbishop of Seattle, 09-35003*

Appeal from the district court's dismissal of a Catholic seminarian's action under Title VII and Washington wage and hour law against the Archbishop of Seattle, alleging that he was owed additional compensation for his maintenance work and assistance with mass.

**September 23            10:00 a.m.**

*Harrison v. Gillespie, 08-16602*

James Harrison, a Nevada state pretrial detainee, appeals the district court's denial of his state habeas corpus petition. A jury convicted Harrison of first degree murder, but deadlocked at the penalty phase, and the court declared a mistrial. Harrison is awaiting a retrial of the penalty phase. Harrison alleges that his rights under the Fifth Amendment's Double Jeopardy Clause were violated when the trial court refused to strike the death penalty after the jury deadlocked at his first penalty trial.

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco, and Pasadena; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and once a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.